

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF PUERTO RICO**

IN RE
RAMONA ROBLES LUGO

CASE NO. 21-01353 (MCF)
CHAPTER 13

MOTION TO AMEND CHAPTER 13 PLAN

TO THE HONORABLE COURT:

Comes now the Debtor, through the undersigned attorney, who respectfully states, alleges and prays as follows:

1. Attached to this motion is an amended Chapter 13 Plan dated June 10, 2022.
2. The plan provides for the payment in full of the USDA's allowed secured claim.

As to subsidy recapture amount, the plan provides that the USDA shall retain the mortgage notes until the amounts owed under the subsidy recapture agreement are paid and that such amounts shall become due and payable only upon non occupancy, sale or transfer of title of the property.

3. In addition, the amended plan also addresses the matters raised on trustee's unfavorable report filed at docket entry no. 59 as it provides for 100% of the only unsecured claim filed in this case which is claim no. 2 by creditor T-Mobile in the amount of \$263.91. The plan directs the trustee to pay this claim ahead of the disbursements to the USDA.

WHEREFORE it is respectfully requested from this Honorable Court to take notice of the amended plan

NOTICE

YOU ARE HEREBY NOTIFIED THAT YOU HAVE TWENTY ONE (21) DAYS FROM THE DATE OF THIS NOTICE TO FILE AN OPPOSITION TO THE FOREGOING MOTION AND TO REQUEST A HEARING. IF NO OPPOSITION IS FILED WITHIN THE PRESCRIBED PERIOD OF TIME, THE MOTION WILL BE DEEMED UNOPPOSED AND MAY BE GRANTED WITHOUT FURTHER HEARING UNLESS (1) THE REQUESTED RELIEF IS FORBIDDEN BY LAW; (2) THE REQUESTED RELIEF IS AGAINST PUBLIC POLICY; OR (3) IN THE OPINION OF THE COURT, THE INEREST OF JUSTICE REQUIRES OTHERWISE. IF A TIMELY OPPOSITION IS FILED, THE COURT WILL SCHEDULE A HEARING AS A CONTESTED MATTER.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this day I electronically filed this document with the Clerk of the Court using the CM/ECF system which will automatically send notification of such filing to all CM/ECF participants.

In San Juan, Puerto Rico, this 10th day of June of 2022.

MAYORAL & MANGUAL, P.S.C.
PMB 157 PO Box 194000
San Juan PR 00919-4000
Tel. (787) 754-2002 Fax (787) 296-9892

s/Eduardo J. Mayoral García
EDUARDO J. MAYORAL GARCÍA
USDC PR 224607 emayoral@gmail.com

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF PUERTO RICO

In Re:
RAMONA ROBLES LUGO
xxx-xx-0695

Case No.: **21-01353**

Chapter 13

 Check if this is a pre-confirmation amended plan Check if this is a post confirmation amended plan
Proposed by: Debtor(s) Trustee Unsecured creditor(s)

Puerto Rico Local Form G

Chapter 13 Plan dated June 10, 2022.

If this is an amended plan, list below the sections of the plan that have been changed.
 5.1; 8.1

PART 1: Notices

To Debtor(s): This form sets out options that may be appropriate in some cases, but the presence of an option on the form does not indicate that the option is appropriate in your circumstances or that it is permissible in your judicial district. Plans that do not comply with local rules and judicial rulings may not be confirmable.

In the following notice to creditors, you must check each box that applies

To Creditors: Your rights may be affected by this plan. Your claim may be reduced, modified, or eliminated.

You should read this plan carefully and discuss it with your attorney if you have one in this bankruptcy case. If you do not have an attorney, you may wish to consult one. The headings contained in this plan are inserted for reference purposes only and shall not affect the meaning or interpretation of this plan.

If you oppose the plan's treatment of your claim or any provision of this plan, you or your attorney must file an objection to confirmation at least 7 days before the date set for the hearing on confirmation, unless otherwise ordered by the Bankruptcy Court. The Bankruptcy Court may confirm this plan without further notice if no objection to confirmation is filed. See Bankruptcy Rule 3015. In addition, you must file a timely proof of claim in order to be paid under this plan, unless ordered otherwise.

If a claim is withdrawn by a creditor or amended to an amount less than the amount already disbursed under the plan on account of such claim: (1) The trustee is authorized to discontinue any further disbursements to related claim; (2) The sum allocated towards the payment of such creditor's claim shall be disbursed by the trustee to Debtor's remaining creditors. (3) If such creditor has received monies from the trustee (Disbursed Payments), the creditor shall return funds received in excess of the related claim to the trustee for distribution to Debtor's remaining creditors. (4) If Debtor has proposed a plan that repays his or her creditors in full, funds received in excess of the related claim shall be returned to the Debtor.

The following matters may be of particular importance. Debtor(s) must check one box on each line to state whether or not the plan includes each of the following items. If an item is checked as "Not included" or if both boxes are checked, the provision will be ineffective if set out later in the plan.

| | | | |
|------------|--|--|--|
| 1.1 | A limit on the amount of a secured claim, set out in Section 3.2, which may result in a partial payment or no payment at all to the secured creditor | <input type="checkbox"/> Included | <input checked="" type="checkbox"/> Not Included |
| 1.2 | Avoidance of a judicial lien or nonpossessory, nonpurchase-money security interest, set out in Section 3.4. | <input type="checkbox"/> Included | <input checked="" type="checkbox"/> Not Included |
| 1.3 | Nonstandard provisions, set out in Part 8. | <input checked="" type="checkbox"/> Included | <input type="checkbox"/> Not Included |

PART 2: Plan Payments and Length of Plan

2.1 Debtor(s) will make payments to the trustee as follows:

| PMT Amount | Period(s) | Period(s) Totals | Comments |
|------------|---------------------|------------------|----------|
| \$400.00 | Months 1 through 4 | \$1,600.00 | |
| \$600.00 | Months 5 through 60 | \$33,600.00 | |

| | | | |
|-----------|---------------------------|--------------------|-----------------|
| Debtor | <u>RAMONA ROBLES LUGO</u> | Case number | <u>21-01353</u> |
| Subtotals | <u>60 Months</u> | <u>\$35,200.00</u> | |

Insert additional lines if needed

If fewer than 60 months of payments are specified, additional monthly payments will be made to the extent necessary to make the payments to creditors specified in this plan.

2.2 Regular payments to the trustee will be made from future income in the following manner:

Check all that apply

- Debtor(s) will make payments pursuant to a payroll deduction order.
 Debtor(s) will make payments directly to the trustee.
 Other (specify method of payment): _____

2.3 Income tax refunds:

Debtor(s) will supply the trustee with a copy of each income tax return filed during the plan term within 14 days of filing the return and will comply with 11 U.S.C. § 1325(b)(2). If the Debtor(s) need(s) to use all or a portion of such "Tax Refunds," Debtor(s) shall seek court authorization prior to any use thereof.

2.4 Additional payments:

Check one.

- None.** If "None" is checked, the rest of § 2.4 need not be completed or reproduced.

PART3: Treatment of Secured Claims

3.1 Maintenance of payments and cure of default, if any.

Check one.

- None.** If "None" is checked, the rest of § 3.1 need not be completed or reproduced.

3.2 Request for valuation of security, payment of fully secured claims, and modification of undersecured claims.

Check one.

- None.** If "None" is checked, the rest of § 3.2 need not be completed or reproduced.

3.3 Secured claims excluded from 11 U.S.C. § 506.

Check one.

- None.** If "None" is checked, the rest of § 3.3 need not be completed or reproduced.

3.4 Lien Avoidance.

Check one.

- None.** If "None" is checked, the rest of § 3.4 need not be completed or reproduced.

3.5 Surrender of collateral.

Check one.

- None.** If "None" is checked, the rest of § 3.5 need not be completed or reproduced.

3.6 Pre-confirmation adequate protection monthly payments ("APMP") to be paid by the trustee.

- Payments pursuant to 11 USC §1326(a)(1)(C):

| Name of secured creditor | \$ Amount of APMP | Comments |
|--------------------------|-------------------|----------|
|--------------------------|-------------------|----------|

-NONE-

Insert additional claims as needed.

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Pre-confirmation adequate protection payments made through the plan by the trustee are subject to the corresponding statutory fee.

3.7 Other secured claims modifications.

Check one.

None. If "None" is checked, the rest of § 3.7 need not be completed or reproduced.

Secured claims listed below shall be modified pursuant to 11 U.S.C. § 1322(b)(2) and/or § 1322(c)(2). Upon confirmation, the trustee shall pay the allowed claim as expressly modified by this section, at the annual interest rate and monthly payments described below. Any listed claim will be paid in full through disbursements by the trustee, with interest, if any, at the rate stated, pro-rated unless a specific amount is provided below. Unless otherwise ordered by the court, the amounts listed on a proof of claim filed before the filing deadline under Bankruptcy Rule 3002(c) control over any contrary amounts listed below. In the absence of a contrary timely filed proof of claim, the amounts stated below are controlling. If no monthly payment amount is listed below, distribution will be prorated according to plan section 7.2.

| Name of creditor | Claim ID# | Claim Amount | Modified interest rate | Modified term (Months) | Modified P&I | Property taxes (Escrow) | Property Insurance (Escrow) | Total monthly payment | Estimated total PMTs by trustee |
|-------------------------------|-----------|--------------------|------------------------|---------------------------|--------------|----------------------------|--------------------------------|-----------------------|---------------------------------|
| USDA RURAL DEVELOPMENT | | \$23,627.86 | 4.25% | | | | | \$26,268.83 | |

To be paid in full 100% Starting on Plan Month **9**

Insert additional claims as needed.

PART 4: Treatment of Fees and Priority Claims

4.1 General

Trustee's fees and all allowed priority claims, including domestic support obligations other than those treated in § 4.5, will be paid in full without postpetition interest.

4.2 Trustee's fees

Trustee's fees are governed by statute and may vary during the term of the plan, nevertheless are estimated for confirmation purposes to be 10 % of all plan payments received by the trustee during the plan term.

4.3 Attorney's fees

Check one.

Flat Fee: Attorney for Debtor(s) elect to be compensated as a flat fee for their legal services, up to the plan confirmation, according to LBR 2016-1(f).

OR

Fee Application: The attorneys' fees amount will be determined by the court, upon the approval of a detailed application for fees and expenses, filed not later than 14 days from the entry of the confirmation order.

Attorney's fees paid pre-petition:

\$ 400.00

Balance of attorney's fees to be paid under this plan are estimated to be:

\$ 3,600.00

If this is a post-confirmation amended plan, estimated attorney's fees:

\$ _____

4.4 Priority claims other than attorney's fees and those treated in §§ 4.5, 4.6

Check one.

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None. If "None" is checked, the rest of § 4.4 need not be completed or reproduced.

4.5 Domestic support obligations assigned or owed to a governmental unit and paid less than full amount.

Check one.

None. If "None" is checked, the rest of § 4.5 need not be completed or reproduced.

4.6 Post confirmation property insurance coverage

Check one.

None. If "None" is checked, the rest of § 4.6 need not be completed or reproduced.

PART 5: Treatment of Nonpriority Unsecured Claims

5.1 Nonpriority unsecured claims not separately classified.

Allowed nonpriority unsecured claims that are not separately classified will be paid pro rata. If more than one option is checked, the option providing the largest payment will be effective.

Check all that apply.

- The sum of \$ _____.
 100% of the total amount of these claims, an estimated payment of \$ **263.91**. (PRESENT VALUE ESTIMATED IN \$293.41)
 The funds remaining after disbursements have been made to all other creditors provided for in this plan.
 If the estate of the debtor(s) were liquidated under chapter 7, nonpriority unsecured claims would be paid approximately \$ _____.

5.2 Maintenance of payments and cure of any default on nonpriority unsecured claims.

Check one.

None. If "None" is checked, the rest of § 5.2 need not be completed or reproduced.

5.3 Other separately classified nonpriority unsecured claims.

Check one.

None. If "None" is checked, the rest of § 5.3 need not be completed or reproduced.

PART 6: Executory Contracts and Unexpired Leases

6.1 The executory contracts and unexpired leases listed below are assumed and will be treated as specified. All other executory contracts and unexpired leases are rejected.

Check one.

None. If "None" is checked, the rest of § 6.1 need not be completed or reproduced.

PART 7: Vesting of Property of the Estate & Plan Distribution Order

7.1 Property of the estate will vest in the Debtor(s) upon

Check the applicable box:

- Plan confirmation.
 Entry of discharge.
 Other: _____

7.2 Plan distribution by the trustee will be in the following order:

(The numbers below reflect the order of distribution; the same number means prorated distribution among claims with the same number.)

1. Distribution on Adequate Protection Payments (Part 3, Section 3.6)
1. Distribution on Attorney's Fees (Part 4, Section 4.3)

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1. Distribution on Secured Claims (Part 3, Section 3.1) – *Current contractual installment payments*
2. Distribution on Post Confirmation Property Insurance Coverage (Part 4, Section 4.6)
2. Distribution on Secured Claims (Part 3, Section 3.7)
2. Distribution on Secured Claims (Part 3, Section 3.1) – Arrearage payments
3. Distribution on Secured Claims (Part 3, Section 3.2)
3. Distribution on Secured Claims (Part 3, Section 3.3)
3. Distribution on Secured Claims (Part 3, Section 3.4)
3. Distribution on Unsecured Claims (Part 6, Section 6.1)
4. Distribution on Priority Claims (Part 4, Section 4.4)
5. Distribution on Priority Claims (Part 4, Section 4.5)
6. Distribution on Unsecured Claims (Part 5, Section 5.2)
6. Distribution on Unsecured Claims (Part 5, Section 5.3)
7. Distribution on General Unsecured claims (Part 5, Section 5.1)

Trustee's fees are disbursed before each of the distributions above described pursuant to 28 U.S.C. § 586(e)(2).

PART 8: Nonstandard Plan Provisions

8.1 Check "None" or list the nonstandard plan provisions

None. If "None" is checked, the rest of Part 8 need not be completed or reproduced.

Under Bankruptcy Rule 3015(c), nonstandard provisions must be set forth below. A nonstandard provision is a provision not otherwise included in the Official Form or deviating from it. Nonstandard provisions set out elsewhere in this plan are ineffective.

Each paragraph below must be numbered and labeled in boldface type, and with a heading stating the general subject matter of the paragraph.

The following plan provisions will be effective only if there is a check in the box "Included" in § 1.3.

A. TREATMENT OF SECURED CLAIM OF USDA (MODIFIES AND/OR SUPPLEMENTS SECTION 3.7)

1. EQUITY IN REAL PROPERTY SHALL CONSTITUTE ADEQUATE PROTECTION FOR THE CLAIM. PLAN MODIFIES THIS CLAIM PURSUANT TO CODE SECTION 1322 (c) 2.

2. CREDITOR USDA SHALL APPLY THE PAYMENTS RECEIVED UNDER THE PLAN TO THE AMOUNTS OF THE PRINCIPAL, INTEREST AND FEES DUE ON THE LOANS. THE TOTAL AMOUNT OF PRINCIPAL, INTEREST AND FEES OWED ON THE LOANS IS \$23,627.86. THE CREDITOR SHALL NOT APPLY THE PAYMENTS RECEIVED UNDER THE PLAN TO SUBSIDY RECAPTURE FEES UNTIL THE PRINCIPAL, INTEREST AND FEES DUE ON THE LOAN HAVE BEEN PAID IN FULL.

3. AS LONG AS THE DEBTOR OCCUPIES THE DWELLING AS HER RESIDENCE, THE SUBSIDY RECAPTURE FEES SHALL BE DEFERRED. NOTWITHSTANDING, THE DEBTOR MAY ELECT TO VOLUNTARILY MAKE PAYMENTS TO THE SUBSIDY FEES.

4. THE USDA SHALL RETAIN THE MORTGAGE NOTES UNTIL SATISFACTION OF THE AMOUNTS OWED UNDER THE SUBSIDY RECAPTURE AGREEMENT. SUCH AMOUNTS SHALL BECOME DUE AND PAYABLE ONLY UPON NON OCCUPANCY, SALE OR TRANSFER OF TITLE OF THE PROPERTY.

5. THE AMOUNT THAT TRUSTEE SHALL DISBURSE TO CREDITOR USDA UNDER THIS PLAN SHALL BE \$23,627.86 WITH A 4.25% INTEREST FOR A TOTAL DISBURSEMENT OF \$26,268.83. UPON PAYMENT OF THIS AMOUNT, THE USDA SHALL CONSIDER THE PRINCIPAL, INTEREST AND FEES DUE ON THE LOANS AS FULLY PAID, WITH THE EXCEPTION OF SUBSIDY RECAPTURE FEES.

5. USDA SHALL NOTIFY THE CHAPTER 13 TRUSTEE, THE DEBTOR AND ATTORNEY FOR THE DEBTOR, IN WRITING, OF ANY ASSESSMENT OF, CHARGE OF, PAYMENT OF, PREPAYMENT OF AND/OR DISBURSEMENT OF, CHANGE IN THE PROPERTY TAXES AND/OR PROPERTY INSURANCE PREMIUMS THAT WOULD RESULT IN AN INCREASE IN THE AMOUNTS TO BE PAID THROUGH THE PLAN, IN COMPLIANCE WITH FEDERAL RULE OF BANKRUPTCY PROCEDURE 3002.1. THE FAILURE TO COMPLY WITH SUCH NOTICE REQUIREMENTS SHALL CONSTITUTE A WAIVER OF ANY RIGHT TO RECOVER ANY ADVANCE PAYMENT, DISBURSEMENT, CHANGE, ASSESSMENT, PREPAYMENT AND/OR ENHANCED ESCROW PAYMENTS AND TO RECOVER ANY SUCH INCREASES UNTIL SUCH NOTICE, IN COMPLIANCE WITH FEDERAL RULE OF BANKRUPTCY PROCEDURE 3002.1 IS PROVIDED, ON THE CONDITION THAT IT IS PROVIDED WITHIN SUFFICIENT TIME TO MAINTAIN THE FEASIBILITY OF THE PLAN AS CONFIRMED.

6. USDA SHALL REFRAIN FROM EVER ASSESSING, CHARGING, IMPOSING, ADVANCING OR BILLING ANY TYPE OF FEES OR CHARGES (SUCH AS PROPERTY INSURANCE PREMIUMS, TAXES, LEGAL FEES, BROKER PRICE OPINION FEES, PROPERTY INSPECTION FEES, PROPERTY PRESERVATION FEES, PROOF OF CLAIM FEES, NOTICE OF APPEARANCE FEES, PLAN REVIEW FEES, OR ANY TYPE OF LEGAL FEES, OR ANY OTHER TYPE OF FEES OR CHARGES TO THE

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MORTGAGE LOANS OF THE DEBTOR EITHER POST PETITION AND PRE CONFIRMATION, POST-CONFIRMATION AND PRE-DISCHARGE, OR POST-DISCHARGE AND PRE-CASE CLOSING, UNLESS SUCH FEES OR CHARGES HAVE BEEN APPROVED BY THE BANKRUPTCY COURT UPON THE FILING OF A PROPER APPLICATION FOR THE APPROVAL OF SUCH FEES AND CHARGES PURSUANT TO AND IN COMPLIANCE WITH FEDERAL RULE OF BANKRUPTCY PROCEDURE 3002.1.

B. PAYMENT OF PRESENT VALUE INTEREST ON UNSECURED CLAIM

THIS PLAN PROVIDES FOR PRESENT VALUE INTEREST RATE OF 4.25% TO PAY THE UNSECURED CLAIM FILED AT PROOF OF CLAIM NO. 2. TRUSTEE SHALL PAY THIS CLAIM PRIOR TO COMMENCING DISBURSEMENTS TO THE SECURED CLAIM OF USDA.

Insert additional lines as needed.

PART 9: Signature(s)

/s/ EDUARDO J. MAYORAL GARCIA

Date June 6, 2022

EDUARDO J. MAYORAL GARCIA

Signature of Attorney of Debtor(s)

/s/ RAMONA ROBLES LUGO

Date June 6, 2022

RAMONA ROBLES LUGO

By filing this document, the attorney for Debtor(s) or Debtor(s) themselves, if not represented by an attorney, also certify(ies) that the wording and order of the provisions in this chapter 13 plan are identical to those contained in Local Form G (LBF-G), other than any nonstandard provisions included in Part 8.

Label Matrix for local noticing

US Bankruptcy Court District of P.R.

USDA RURAL DEVELOPMENT

0104-3

Jose V Toledo Fed Bldg & US Courthouse

CENTRALIZED SERVICING CENTER

Case 21-01353-MCF13

300 Recinto Sur Street, Room 109

PO BOX 66879

District of Puerto Rico

San Juan, PR 00901-1964

SAINT LOUIS, MO 63166-6879

Old San Juan

Wed May 5 08:34:32 AST 2021

ALEJANDRO OLIVERAS RIVERA

EDUARDO J MAYORAL GARCIA

MONSITA LECAROZ ARRIBAS

ALEJANDRO OLIVERAS CHAPTER 13 TRUS

PMB 157

OFFICE OF THE US TRUSTEE (UST)

PO BOX 9024062

PO BOX 194000

OCHOA BUILDING

SAN JUAN, PR 00902-4062

SAN JUAN, PR 00919-4000

500 TANCA STREET SUITE 301

SAN JUAN, PR 00901

RAMONA ROBLES LUGO

End of Label Matrix

CALLE 40 BLOQUE 3 R-43

Mailable recipients 6

ALTURAS DE BUCARABONES

Bypassed recipients 0

TOA ALTA, PR 00953

Total 6